

PRIORITY

(Security Classification)

FOREIGN SERVICE DESPATCH

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DESP. NO.

TO : THE DEPARTMENT OF STATE, WASHINGTON.

May 16, 1958
DATE

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SUBJECT: UN International Conference on the Law of the Sea: Mexican Foreign Minister's Statement on Results

com-8

Foreign Minister Luis PADILLA NERVO, who is presently in Geneva attending the meeting of the International Law Commission, made a public statement there on May 3, 1958, setting forth his views on the results of the International Conference on the Law of the Sea, which had then just terminated.

The Ministry here has now issued a regular press release containing the Minister's statement, and a copy is hereto attached in English translation.

The Department's attention is called to the assertion that the concept of the three-mile limit "is now generally abandoned and repudiated and has disappeared forever from the juridical world as a rule of international law." In the Mexican press, this assertion was headlined as "three mile limit is now dead."

In view of the position publicly stated by the head of the United States Delegation (and reported in brief by the press here) that the United States continues to adhere to the three-mile limit of the territorial sea, the Department's instruction is requested as to what action is desired to be taken by the Embassy to make this position clear to the Mexican Government.

For the Chargé d'Affaires ad interim:

Raymond G. Leddy
Raymond G. Leddy
Counselor of Embassy

Enclosure:

Translation of Foreign Ministry's Press Release on Foreign Minister Padilla Nervo's Statement in Geneva on May 3 on Results of the International Conference on the Law of the Sea

cc: MID

POL:RGLeddy/lc
REPORTER

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Encl. No. 1Desp. No. 1248 - 5/16/58From MEXICO, D.F.TRANSIA TIONMINISTRY OF FOREIGN RELATIONS
Office of Press and PublicityPRESS RELEASE

No. 32

Mexico, D.F., May 3, 1958

The Ministry of Foreign Relations furnishes below the statement of Lic. Luis Padilla Nervo, Minister of Foreign Relations, made yesterday to correspondents of the international press in Geneva:

After two months of arduous labors the Conference on the Law of the Sea has been successfully adjourned. It is undeniable that the agreements which the Conference reached in approving different conventions and resolutions, especially the agreements relating to the exploration and exploitation of the natural resources of the continental shelf, and to the control applicable to fishing and to the conservation of the resources of the high seas, signify great progress in this subject matter. By codifying international practices of the majority of nations, the Conference has established rules of law which will govern the conduct of States and their relations with respect to the regime of the sea, in accord with conditions presently existing.

It is true that the Geneva Conference could not reach an agreement on two essential problems: (a) the determination of the breadth of the territorial sea; (b) the determination of the extent of the exclusive fishing zone for the coastal state.

As is known, the position of Mexico in this respect and the thesis which Mexico tirelessly presented and defended is the following:

"(a) Each State has the right to fix the breadth of its territorial sea to a limit not exceeding twelve marine miles measured from base lines which may be applicable.

"(b) The coastal state has exclusive fishing rights in a zone adjacent to its shore to a limit of twelve miles measured from the same base lines."

The thesis of Mexico triumphed by a simple majority in the Conference but did not obtain two thirds of the votes cast, an indispensable requirement for its adoption by the Assembly. Neither were proposals of other States adopted, which sought to limit the breadth of the territorial sea to six miles, as well as to restrict the fishing rights of the coastal state in the so-called contiguous zone.

Thus, there was no agreement on these two essential points which, according to the recommendation of the Conference itself, should be submitted to study again in a future meeting, if the next General Assembly of the United Nations so decides.

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We can state, nevertheless, that in spite of the lack of agreement on these two essential problems of the Law of the Sea, the arguments and the opinions of Governments which were recorded at the Conference of Geneva with reference to the study of these matters have great importance, and signify undeniable progress, in that they are a revealing indication of the practice, the aspirations and the claims of the great majority of small States, which claims, though not yet fully recognized by other powers, will, we are convinced, be so recognized in the near future, and will be confirmed in contractual rules of law universally accepted.

For the present, it has remained clear that the old concept of three miles as the limit of the territorial sea has been generally abandoned and repudiated and has disappeared forever from the juridical world as a rule of International Law.

Each day it is becoming more obvious to all that the unrestrainable impulse of the great majority of the small States to establish the breadth of their territorial sea within reasonable limits and to vindicate in analogous form the exclusive right of development of the natural resources of the sea to a distance of twelve miles, has become the corner stone of international solidarity and of harmonious cooperation between the great and small powers, whose interests in the subject, although apparently in conflict, can be reconciled without diminution of justice and equity.

Mexico has a program of "March to the Sea." This Conference has made clear that many other States have their own programs which can also be called a "March to the Sea."

The March to the Sea, from the point of view of its causes and purposes, does not mean a search for an exit to the outside world or the establishment of channels for commercial interchange with other States: it signifies the determination to explore and exploit rationally and scientifically the natural resources of the sea in the zone contiguous to our coasts, for the purpose of utilizing these resources for the national benefit in order to promote our economic development and help satisfy the needs of our growing population.

We Coastal States desire, by means of adequate conservation measures, to maintain and multiply the living resources of the sea for the good of all. Our program of the March to the Sea would make no sense if we were to find the sea impoverished and depleted.

In matters of international community living, it is indispensable to practice what we preach. The problems of the Law of the Sea which I have mentioned are at once test and occasion to translate principles of international cooperation into acts in accord with the spirit of numerous noble and generous declarations.

We hope that, with the passage of time necessary for study and reflection, the eighty-six States which joined together in the Conference of Geneva will again meet in an endeavor once more to resolve the problems which remain pending.

When this occurs, Mexico will again lend its earnest cooperation to a search

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for just solutions which may be generally accepted.

We shall continue defending the right which we consider just in this matter, confident that it will be respected as we respect the rights of others.

Translated: RGLeddy

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